HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 336 of 2002

Petitioner : General Manager (O.S.D.)
Bengal Nagpur Cotton Mills
Rajnandgaon (Chhattisgarh)

Versus

Respondent :1. Bharatlal,
S/o Tikulal,
C/o Harish Chandra Rishi,
Advocate, Rajnandgaon.

2. Director,
Guard Well Security Services,
701/94, Meghdoot Building,
Nehru Palace,
New Delhi.

2. Industrial Court,
Through Member Judge,
Raipur.

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri

Shri Vinay Pandey, Advocate for the Petitioner.
None for the Respondents.

ORAL ORDER

(12th January, 2006)

1. The respondent No. 1 was appointed as Security Guard on 15.12.1980 through respondent No. 2. Service of the respondent No. 1 was terminated by order dated 27/28.7.1982 without any enquiry and show cause notice

2. Being aggrieved, the order of termination of service, the respondent No. 1 filed an application before the Labour Court, Rajnandgaon in Case No. 19/MPIR Act/87. The Labour Court by its order dated 28.10.1991 held that the service of the respondent No. 1 was terminated without notice and as such it was violative of the

provisions of the Industrial Relations Act. In the facts and circumstances of the case, the petitioner was reinstated in service. However arrears of difference of wages was not granted on the ground the respondent No. 1 was not held as "labour" under the provisions of the M.P. Industrial Relations Act, 1960.

3. The petitioner Management filed appeal before the Industrial Court being Appeal No. 608/MPIR Act/91 against the order dated 28.10.1991 passed by the Labour Court.

4. The Industrial Court dismissed the appeal by judgment and order dated 19.5.2001, directing reinstatement of the respondent No. 1 in the service on the ground that the respondent No. 1 was held as employee of the petitioner. Finding and order passed by the Labour Court was upheld.

5. The matter was taken up for hearing on 1.11.2002, none appeared on behalf of the petitioner, thereafter, the petition was again listed on 5.12.2002 and the learned counsel for the petitioner prayed for adjournment. On 7.11.2005, again none appeared on behalf of the petitioner.

6. Shri Vinay Pandey, learned counsel for the petitioner submits that the petitioner company has been liquidated, without any material facts or evidence in support of this contention.

7. I have heard learned counsel for the petitioner and perused documents appended to the petition.

8. The Labour Court passed the order on 28.10.1991, directing reinstatement of the respondent No. 1 in the service. The petitioner neither reinstated nor complied with the provisions of Section 65 (3) of the M.P. Industrial Relations Act, 1960 (hereinafter referred to as "MPIRA"), even after the present impugned order was passed on 19.5.2001, the petitioner has deliberately and intentionally failed to

comply with the statutory provisions of Section 65 (3) of MPIRA. The petitioner has also not further obtained any interim relief or stay of the impugned order by this court.

9. Looking into the conduct of the petitioner firstly by not appearing before the court on several occasions and secondly by not complying with the provisions of Section 65 (3) of MPIRA, it is desirable that this petition be dismissed. Even otherwise there is no material irregularity and there is sufficient and cogent evidence to support reasoning and decision of the impugned order. This court under Articles 226/227 of the Constitution of India has limited scope of interference with the orders passed by the Labour Court as well as Industrial Tribunal.

10. In view of the foregoing, the petitioner is directed to comply with the order dated 19.5.2001, passed by the Industrial Court in Appeal No. 608/MPIR Act/91 within a period of three months from today i.e. 12.01.2006.

11. In the facts of the case, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge